

**IN UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE APPLICATION OF THE) UNITED STATES OF AMERICA FOR) AN ORDER PURSUANT TO) 18 U.S.C. § 2703(D) FOR GOOGLE.)	MISC. NO. <u>2:25-mj-163</u> <u>FILED UNDER SEAL</u>
---	--

**APPLICATION OF THE UNITED STATES
FOR AN ORDER PURSUANT TO 18 U.S.C. § 2703(d)**

The United States of America, moving by and through its undersigned counsel, respectfully submits under seal this *ex parte* application for an Order pursuant to 18 U.S.C. § 2703(d). The proposed Order would require Google LLC, an internet service provider headquartered in Mountain View, California, to disclose certain records and other information pertaining to IP 75.188.133.154 (May 23, 2024, at 20:04:04 UTC). The records and other information to be disclosed are described in Part II of Attachment A to the proposed Order. In support of this application, the United States asserts:

LEGAL BACKGROUND

1. Google LLC is a provider of an electronic communications service, as defined in 18 U.S.C. § 2510(15), and/or a remote computing service, as defined in 18 U.S.C. § 2711(2). Accordingly, the United States may use a court order issued under § 2703(d) to require Google LLC to disclose the items described in Part II of Attachment A. *See* 18 U.S.C. § 2703(c)(2) (Part II.A of Attachment A); 18 U.S.C. § 2703(c)(1) (Part II.B of Attachment A).

2. This Court has jurisdiction to issue the proposed Order because it is “a court of competent jurisdiction,” as defined in 18 U.S.C. § 2711. *See* 18 U.S.C. § 2703(d). Specifically, the Court is a district court of the United States that has jurisdiction over the offense being investigated. *See* 18 U.S.C. § 2711(3)(A)(i).

3. A court order under § 2703(d) “shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that the contents of a wire or electronic communication, or the records or other information sought, are relevant and material to an ongoing criminal investigation.” 18 U.S.C. § 2703(d). Accordingly, the next section of this application sets forth specific and articulable facts showing that there are reasonable grounds to believe that the records and other information described in Part II of Attachment A are relevant and material to an ongoing criminal investigation.

THE RELEVANT FACTS

4. The investigation to date has provided reasonable grounds to believe that Google, LLC has records and other information that are relevant and material to this ongoing criminal investigation. More specifically, the United States, through the Federal Bureau of Investigations (“FBI”) is investigating an unidentified target for crimes related to the receiving, distributing and possessing child pornography, involving possible violations of 18 U.S.C. §§ 2252 and 2252A.

5. The FBI and Child Exploitation Operational Unit (CEOU) conducted an operation targeting the Tor network hidden service (website) “Alice in Wonderland,” which operated since 2019, and functioned as a website dedicated to the advertisement and distribution of child sexual exploitation material (CSAM)

6. The Tor network is a computer network available to Internet users that is designed specifically to facilitate anonymous communication over the Internet. The Tor network attempts to do this by routing user communications through a globally distributed network of intermediary computers, or proxies, along a randomly assigned path known as a “circuit.” Because of the way the Tor network routes communication through the proxy computers, traditional IP address-based identification techniques are not effective.

7. Through technical means, CEOU determined that “Alice in Wonderland” user “phebelover777” accessed “Alice in Wonderland” on May 23, 2024, at 20:04:04 UTC, using IP address 75.188.133.154. CEOU also collected the “phebelover777” password and later documented nine additional successful logins to “Alice in Wonderland” using the same password by “phebelover777,” from May 23, 2024, through September 19, 2024, where the IP address was not collected.

8. Undercover agents (OCE’s) still maintain a presence on “Alice in Wonderland.” OCEs identified a profile for “phebelover777” and noted the account made multiple posts on the site including thanking another user for all the content they posted on the site. “Phebelover777” also created a thread titled “Vero christmas lights” which contained multiple images of an underage girl wearing a white lace thong and bra with Christmas lights wrapped around her.

9. In response to an administrative subpoena, Charter Communications provided records indicating that IP address 75.188.133.154 was assigned to 8426 Jericho Way #83, Plain City, Ohio 43064 on May 23, 2024, at 20:04:04 UTC. Comcast also provided subscriber information for six different individuals. Based on open-source reporting, there are multiple residents at the aforementioned address so it is unclear who operated username “phebelover777” account.

10. Obtaining the list of Google accounts related to the above noted IP address at the date and time listed is relevant and material to this ongoing criminal investigation in that it would show who possibly utilized the “phebelover777” account.

REQUEST FOR ORDER

11. The facts set forth in the previous section show that there are reasonable grounds to believe that the records and other information described in Part II of Attachment A are relevant

and material to an ongoing criminal investigation. Specifically, these items will help the United States to identify and locate the individual(s) who are responsible for the events described above, and to determine the nature and scope of their activities. Accordingly, the United States requests that Google LLC be directed to produce all items described in Part II of Attachment A to the proposed Order.

12. The United States further requests that the Order require Google LLC not to notify any person, including the subscribers or customers of the account(s) listed in Part I of Attachment A, of the existence of the Order for one year. See 18 U.S.C. § 2705(b). This Court has authority under 18 U.S.C. § 2705(b) to issue “an order commanding a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order.” *Id.* In this case, such an order would be appropriate because the requested Order relates to an ongoing criminal investigation that is not public and the entire scope of the investigation is unknown to the target of the investigation, and its disclosure may alert the target to such. Accordingly, there is reason to believe that notification of the existence of the requested Order will seriously jeopardize the investigation, including by giving the target an opportunity to destroy or tamper with evidence, change patterns of behavior, or notify confederates. See 18 U.S.C. § 2705(b)(2), (3), (5). Some of the evidence in this investigation is stored electronically. If alerted to the investigation, the subjects under investigation could destroy that evidence, including information saved to their personal computers.

13. The United States further requests that the Court order that this application and any resulting order be sealed until further order of the Court. As explained above, these documents discuss an ongoing criminal investigation that is neither public nor known to the target of the

investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted,

KELLY A. NORRIS
Acting United States Attorney

A handwritten signature in cursive script, reading "Emily Czerniejewski".

EMILY CZERNIEJEWSKI (IL 6308829)
Assistant United States Attorney
Southern District of Ohio
303 Marconi Boulevard
Columbus, Ohio 43215
Office: (614) 406-3572
Fax: (614) 469-5653
E-mail: emily.czerniejewski@usdoj.gov